

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
AT NASHVILLE**

DELORES SPENCER-JEFFERIES,)	
)	
Plaintiff,)	
)	
v.)	Case No. _____
)	
)	
HOME SHOPPING NETWORK INC LLP)	(Removed from the Circuit Court
)	of Davidson County, Tennessee,
)	Case No. 22c2354)
)	
Defendant.)	

NOTICE OF REMOVAL

PLEASE TAKE NOTICE that pursuant to 28 U.S.C. §§ 1332 and 1441 *et seq.*, Defendant HSNi, LLC incorrectly identified in the case caption as Home Shopping Network Inc LLP¹ (“HSN”) hereby provides notice of removal of this action from the Circuit Court of Davidson County, Tennessee. In support of removal, HSN states the following:

1. On November 17, 2022, an action was commenced in the Circuit Court of Davidson County, Tennessee, styled *Delores Spencer-Jefferies v. Home Shopping Network Inc LLP*, Case No. 2022C2354.

2. HSN received notice of the action via service of the Complaint via Certified Mail on November 28, 2022. Pursuant to 28 U.S.C. § 1446(a), copies of process, pleadings, and orders served upon HSN in this action are attached hereto as Exhibit A.

3. HSN is filing this Notice of Removal within thirty (30) days of receipt of the Summons and Complaint. This Notice of Removal is timely filed under 28 U.S.C. § 1446(b).

¹ Plaintiff incorrectly names Defendant in her caption of the case and on the Summons issued to Defendant, but names them correctly in the body of her Complaint. The appropriate entity defendant is HSNi, LLC.

4. This action is removed on the basis of diversity of citizenship pursuant to 28 U.S.C. §§ 1332 and 1441(b). Plaintiff is a citizen and resident of Tennessee. (Compl. at ¶ 5). Defendant HSN is a citizen of Florida, and its principle place of business is located at 1 HSN Drive St Petersburg, FL 33729.

5. Based on a fair reading of the Complaint, the amount in controversy exceeds \$75,000, exclusive of interest and costs, in that Plaintiff seeks compensatory damages of her “lost wages” and punitive damages of \$100,000,000. (Compl. at ¶¶ 74, 76). 28 U.S.C. § 1446(c) permits this Court to deem the sum demanded by Plaintiff in her Complaint as the amount in controversy. Moreover, “when determining the jurisdictional amount in controversy in diversity cases, punitive damages must be considered... unless it is apparent to a legal certainty that such cannot be recovered.” *Hayes v. Equitable Energy Res. Co.*, 266 F.3d 560, 572 (6th Cir. 2001); *see also Lewis v. Exxon Mobil Corp.*, 348 F. Supp. 2d 932, 934 (W.D. Tenn. 2004) (concluding that defendant had met its removal burden where plaintiffs’ complaint sought open-ended relief for “all incidental, consequential, compensatory, and punitive damages”).

7. This action is one that may be removed to this Court pursuant to 28 U.S.C. § 1441(a) because the amount in controversy is one in which the district courts have original jurisdiction. Thus, this action may be removed to this Court pursuant to 28 U.S.C. §§ 1332 and 1441(a).

8. Pursuant to 28 U.S.C. § 1446(d), copies of this Notice of Removal are being served on Plaintiff and upon the Circuit Clerk for Davidson County, Tennessee. A copy is attached hereto as Exhibit B.

9. Venue is proper pursuant to 28 U.S.C. § 1441(a) in the United States District Court for the Middle District of Tennessee, Nashville Division, which embraces Davidson County,

Tennessee, the place where the state court action was pending.

By filing this Notice of Removal, HSN does not waive, either expressly or impliedly, its respective rights to assert any defense it could have asserted in the Circuit Court of Davidson County, Tennessee, to the United States District Court for the Middle District of Tennessee. HSN reserves the right to amend or supplement this Notice of Removal.

s/Mark E. Stamelos

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Counsel for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Notice of Removal has been filed via the Court's CM/ECF system and sent via U.S. Mail to the below on this the 28th day of December, 2022:

Delores Spencer-Jefferies
901 Hammack Drive
Nashville, TN 37214

Pro Se Plaintiff

s/ Mark E. Stamelos
